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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,496	03/13/2001	Kenneth P. Hinckley	03797.00035	1373

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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,496

Applicant(s)

HINCKLEY ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,8,10-15,18,19,26,27,29,30,34-36 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7,8,10-15,18,19,26,27,29,30,34-36 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/5/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/04/2006 has been entered. An action on the RCE follows:

Claims 5, 15, 18, 19, 48, 7, 8, 10-14, 26, 27, 29, 30 and 34-36 are amended. The applicant's argument, see pages 8-12, with respect to the rejection(s) of claims under 35 U.S.C. 112, first paragraph, and prior art have been fully considered, and are persuasive. Therefore, the rejections are withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of prior art below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5, 10, 14, 15, 18, 26, 35 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Agulnick et al. (US 5,347,295) hereinafter Agulnick.

4. **As to claim 5**, Agulnick teaches detecting a physical presence proximate to or contact the auxiliary control for a first predefined period without the physical presence causing the auxiliary control to be activated in col. 8 line 52 -col. 9, line 17;

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in a first application program, displaying a first display widget on the display screen responsive to said step of detecting the first display widget providing status information associated with the auxiliary control in the first application program; in the second application program is different from the first context, displaying a second display widget on the display screen responsive to said detecting, the second display widget providing status information associated with the auxiliary control in the second application program in fig. 23-28 and col. 18 line 19-28.

5. As to claim 15, Agulnick teaches further comprising the steps of detecting absence of the physical presence proximate to or contacting the auxiliary control for a second predefined period while displaying the display widget; and discontinuing display of the display widget, responsive to detecting the absence of the physical presence in col. 16, lines 39-55.

6. As to claim 18, Agulnick teaches wherein the auxiliary control is one of a button or a key [a mouse button or a key of a keyboard, see col. 6, line 47, and col. 7, line 6-7].

7. As to claim 48, Agulnick teaches wherein the first display widget and the second display widget are different in col. 18 line 19-28.

8. **Claim 10** shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

9. **As to claim 14**, Agulnick teaches detecting a physical presence proximate to or contact the auxiliary control for a first predefined period without the physical presence causing the auxiliary control to be activated in col. 8 line 52 -col. 9, line 17;

displaying a first display widget on the display screen responsive to said step of detecting, the first display widget providing status information associated with the auxiliary control in the first context, the status information including a task bar (440) in fig. 7 and col. 11 lines 19-25, and col. 18 line 19-28.

10. **As to claim 26**, Agulnick teaches detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated in col. 8 line 52 -col. 9, line 17; and displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control, the status information identified only applying to a single active application program (308) in fig. 8 and col. 11 lines 19-25, and col. 18 line 19-28.

11. **Claim 35** shares similar limitations to those included in claim 5 and therefore the rationale of rejection will be the same. Claim 35 has the added limitation "wherein the status information identifies at least one of time, date, location, file type and size of most recently saved file." Agulnick further discloses that limitation in Fig. 26 col. 14 lines 7-13.

12. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mastronardi (US 6,346,951).

13. **As to claim 7**, Mastronardi teaches detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated; and displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control, the status information

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identifying at least one of track name, track time remaining, track length, album title and album length in a multimedia application in fig. 7-9 and col. 5 line 45 –col. 6 line 20.

14. As to claim 8, Mastronarki teaches wherein said step of displaying further includes displaying in the display control panel in fig. 9 col. 7 lines 3-44.

15. Claims 12, 13, 27, 29, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Tannenbaum et al. (US 5,252,9510) hereinafter Tannenbaum.

16. **As to claim 12**, Tannenbaum teaches detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated; and displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control, the status information identifying currently running applications in col. 17 line 68 –col. 18 line 16.

17. As to claim 13, Tannenbaum teaches further comprising the step of placing an identified application in the foreground of the display screen, responsive to a user's selection of the application using the auxiliary control [at least one overlapped application or target application is a foreground, see col. 18 lines 17-23 or lines 57-63].

18. **As to claim 27**, Tannenbaum teaches detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated; and displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control, wherein a type of status information associated with the auxiliary control displayed when a first application program is active

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is different from a type of status information associated with the auxiliary control displayed when a second application program is active in col. 17 line 35 –col. 18 line 3.

19. **As to claim 29**, Tannenbaun teaches detecting a physical proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated; and displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control, wherein the status information is messaging related information including one of the number of new or unread regular or high priority messages, and in box window, brief information regarding at least one of the most recently received messages, and alert status in fig. 4 and col. 9 lines 3-67.

20. **Claim 34** shares similar limitations to those included in claim 12 and therefore the rationale of rejection will be the same. Claim 34 has the added limitation “wherein the status information identifies contents of a clipboard.” Tannenbaum further discloses in col. 20 line 67–col. 21 line 16.

21. **Claim 36** shares similar limitations to those included in claim 12 and therefore the rationale of rejection will be the same. Claim 36 has the added limitation “wherein the auxiliary control is a key representing a mathematical operator, and in a spreadsheet application, the status information identifies the result if the mathematical operator is applied to data in a spreadsheet.” Tannenbaum further discloses in col. 20 lines 37-43.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Agulnick in view of Murai et al (US 5,635,958) hereinafter Murai.

Agulnick teaches all of the claimed limitation of claim 5, except wherein the physical presence is a hand of a user.

Murai teaches the proximity detector that detects the proximity or touch of a user's finger in the abstract.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the proximity detector of Agulnick to have the proximity by finger as taught by Murai because this would prevent occurrence of a key entry error and to reduce the number of times of key operations (Murai's abstract).

24. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agulnick in view of Johnson et al (US 6,489,974) hereinafter Johnson.

Agulnick teaches all of the claimed limitation of claim 10, except wherein the first auxiliary control is a microphone.

Johnson teaches a touch screen having an icon which is a microphone in fig. 1, col. 3, line35-37.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the application program of Agulnick including the icon of the microphone as taught by Johnson because this would provide automatic notification to a user of an object prompt mode, regardless of the activity that the user is engaging in (Johnson, col. 1, lines 64-67).

25. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Agulnick in view of Newman et al (US 5,983,245) hereinafter Newman.

Agulnick teaches detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the auxiliary control to be activated in col. 8 line 52 -col. 9, line 17;

displaying a display widget on the display screen responsive to said step of detecting, the display widget providing status information associated with the auxiliary control in fig. 23-28 and col. 18 line 19-28.

Agulnick teaches all of the claimed limitation, except wherein when a web browser is an active application program the status information includes at least one of the most recently used searches, at least one of the most recently obtained search results, identification of previous and next web pages which may be visited, list of favorite web pages, and current page loading information.

Newman teaches that limitation in fig. 6 and col. 6 lines 19-27, and col. 9, lines 45-col. 10-11 line 2.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the applicant program of Agulnick to have the web

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browser as taught by Newman because this would provide very long URLs that may be used throughout a web site need not manually typed-in over and over again (Newman, col. 11, lines 3-14).

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin M. Nguyen
Patent Examiner
Art Unit 2629

KMN
October 18, 2006